

**AGENDA  
EUCLID CITY COUNCIL MEETING  
MONDAY, NOVEMBER 4, 2013 AT 7:00 PM  
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

**PERMISSIBLE PRELIMINARIES:**

**FIRST GAVEL**

**INVOCATION\*:**

**PLEDGE OF ALLEGIANCE**

**EUCLID CITY COUNCIL MEETING BUSINESS:**

**SECOND GAVEL**

**ROLL CALL OF MEMBERS**

**COMMUNICATIONS:**

**COUNCIL MINUTES:** October 7, 2013; October 21, 2013

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Community Assets Min.: 10/16/13  
Recreation Commission Min.: 9/24/13  
Board of Control: 10/15/13; 10/21/13

**COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY**

**LEGISLATION**

1. An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2014. (Sponsored by Mayor Cervenik) Ord.  
(346-13)

Comment: The Board of Health serves the needs of the city under Part 11 of the Codified Ordinances. The City enters into an annual contract with the Board of Health. The 2014 agreement reflects a 2% rate increase from the per capita rate in 2012 and 2013.

2. An emergency ordinance authorizing all actions necessary to support the continuation of a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code, directing the Mayor to execute a supply agreement with Constellation Energy Gas Choice, Inc. to continue a natural gas aggregation program beyond March 31, 2014 when the current supply agreement ends. (Sponsored by Mayor Cervenik) Ord.  
(347-13)

Comment: The City has provided a natural gas aggregation program for more than 10 years. The supplier in the next two year period offers the best price structure and has a reputation for effective customer service. The next natural gas purchase will take place in late January or early February and will likely cover consumption through winter heating season 2014 / 2015.

3. An ordinance authorizing the Mayor of the City of Euclid to enter into a lease agreement with Ambassador Holding, LLC, for the use of City-owned property described in Attachment A for the purpose of off-street parking. (Sponsored by Mayor Cervenik) Ord.  
(348-13)

Comment: The original lease to allow additional parking did not provide for transfer in ownership of the property. The term coincides with the term of the lease originally approved by the Recreation Commission in 1982.

4. An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with US Bancorp Government Leasing and Finance, Inc., to allow for the financing of Police and Fire vehicles approved as part of the 2013 capital budget. (Sponsored by Mayor Cervenik) Ord. (349-13)

Comment: The finance agreement with US Bank represents the lowest rate of the 3 quotes received from financial institutions and allows for a payment period that provides flexibility in the General Permanent Improvement Fund.

**COMMITTEE OF THE WHOLE – PUBLIC PORTION**

**COUNCIL MEMBERS' COMMENTS**

**ADJOURNMENT**

Ordinance No.  
By – Mayor Cervenik

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2014.

WHEREAS, the services provided by the County of Cuyahoga, District Board of Health, to the City of Euclid are beneficial and necessary and cannot be currently provided by the City.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor be, and he is hereby authorized, empowered and directed to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2014 in the amount of One Hundred Ninety One Thousand Seven Hundred Sixty Six Dollars (\$191,766.00). The contract shall be in a form approved by the Director of Law and as on file in the office of Clerk of Council. The terms are hereby approved.

Section 2: That funds to pay for this expenditure are to be derived from the General Fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

## CONTRACT FOR PUBLIC HEALTH SERVICES

(City with a General Health District - Authority--Sec.3709.08 O.R.C.)

WHEREAS, the District Advisory Council of the Cuyahoga County, Ohio, General Health District, at a meeting held March 11, 2013, by a majority vote of members representing the townships and villages did vote affirmatively on the question of providing public health services to the **City of Euclid**, Ohio, and did authorize the Chairman of the District Advisory Council to enter into a contract with the Mayor of **Euclid**, Ohio, for providing public health services therein; and

WHEREAS, the Council of the **City of Euclid**, at a Council meeting held \_\_\_\_\_, by majority vote of all members did vote affirmatively on the question of contracting with the District Advisory Council of the Cuyahoga County General Health District for providing public health services to the **City of Euclid** and did authorize the Mayor to enter into a contract with the Chairman of the District Advisory Council of the Cuyahoga County General Health District to provide public health services.

NOW, THEREFORE, pursuant to such authority, David Smith on behalf of the District Advisory Council of the Cuyahoga County General Health District and William Cervenik on behalf of the **City of Euclid** do agree as follows:

The General Health District of Cuyahoga County, Ohio, hereby agrees to provide health services for the **City of Euclid** for the year 2014. These health services will be provided by the District Board of Health of Cuyahoga County and will include all necessary medical, nursing, sanitary, laboratory and such other health services as are required by the Statutes of the State of Ohio. Air pollution enforcement services, as described in Chapter 3704 of the Ohio Revised Code, will be conducted through the designated agent, the Cleveland Division of Air Pollution Control. This authorization is contingent upon renewal of the contract between the Ohio EPA and the City of Cleveland and satisfactory performance of the contract terms and conditions regarding air pollution control in Cuyahoga County. The Board of Health reserves the right to alter, modify or amend this contract provision with notice to the City.

The **City of Euclid** hereby agrees, in return for the health services which will be provided by the District Board of Health of Cuyahoga County for the year 2014, to pay to the Cuyahoga County General Health District the sum of One Hundred Ninety One Thousand Seven Hundred Sixty Six Dollars (\$191,766.00). This sum of One Hundred Ninety One Thousand Seven Hundred Sixty Six Dollars (\$191,766.00) the **City of Euclid** hereby directs the Fiscal Officer of Cuyahoga County to place to the credit of the District Health Fund of Cuyahoga County, and the Fiscal Office of Cuyahoga County is hereby authorized to deduct said sum of One Hundred Ninety One Thousand Seven Hundred Sixty Six Dollars (\$191,766.00) in equal semi-annual installments of Ninety Five Thousand Eight Hundred Eighty Three Dollars (\$95,883.00) from the regular tax settlement to be made for said city for the year 2014. This contract shall be in full force and effect from January 1, 2014 through December 31, 2014.

This agency is an equal provider of services and an equal employment opportunity employer-Civil Rights Act 1964

IN WITNESS WHEREOF, we hereunder subscribe our names.

**City of Euclid**

Cuyahoga County General Health District

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
Chairman, District Advisory Council

Date \_\_\_\_\_

Date \_\_\_\_\_

Ordinance No.

By – Mayor Cervenik

AN EMERGENCY ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION ENERGY GAS CHOICE, INC. TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND MARCH 31, 2014 WHEN THE CURRENT SUPPLY AGREEMENT ENDS.

WHEREAS, in 2001, the Ohio Legislature enacted natural gas deregulation legislation ("H.B. No. 9") which authorized the legislative authorities of Cities to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, through a cooperative bidding program, considering pricing and service factors, the Mayor and Administration have recommended that Constellation New Energy Choice, Inc., be awarded the Natural Gas Supply Agreement for a two year period commencing on or about April 1, 2014; and

WHEREAS, this Council finds and determines that it is in the best interest of the City, its residents, businesses and other Natural Gas consumers located within the limits of the City to continue its Natural Gas opt-out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement, a draft copy of which is on file with the Clerk of Council; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUCLID, CUYAHOGA COUNTY, STATE OF OHIO THAT:

Section 1: The Mayor of the City of Euclid is hereby authorized to enter into a Master Services Agreement ("MSA") with Constellation New Energy Choice, Inc., a draft copy of which is on file with the Clerk of Council, to facilitate the sale and purchase of Natural Gas to consumers in the City's opt-out program.

Section 2: That the Director of Law shall approve the final agreement and be authorized to submit and necessary documentation to the Ohio Department of Public Utilities in furtherance of the natural gas aggregation program.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

Passed:

\_\_\_\_\_  
President of Council

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik

An ordinance authorizing the Mayor of the City of Euclid to enter into a lease agreement with Ambassador Holding, LLC, for the use of City-owned property described in Attachment A for the purpose of off-street parking.

WHEREAS, Ambassador Holding, LLC, owns a commercial complex located at 22639 – 22681 Euclid Avenue, Euclid, Ohio; and

WHEREAS, in 1982, the city, through the Recreation Commission authorized a fifty year lease with Consolidated Investment Corporation to construct parking and driveway on City property adjacent to the East 228<sup>th</sup> Street park and further to use the parking area for the benefit of tenants at the commercial units in the building; and

WHEREAS, the lease agreement did not provide for successors to Consolidated Investment Corporation to use the parking and driveway nor require successors to maintain the area in good repair; and

WHEREAS, the Council of the City of Euclid affirms that it is the best interests of the City to provide for a driveway and off-street parking on City property, acknowledges that the owner of the benefited property is Ambassador Holding, LLC, and the revised lease will extend through the original term. A copy of the revised lease is on file with the Clerk of Council.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid is authorized to enter into a lease agreement with Ambassador Holding, LLC, for the use of City-owned property described in Attachment A for the purpose of off-street parking

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

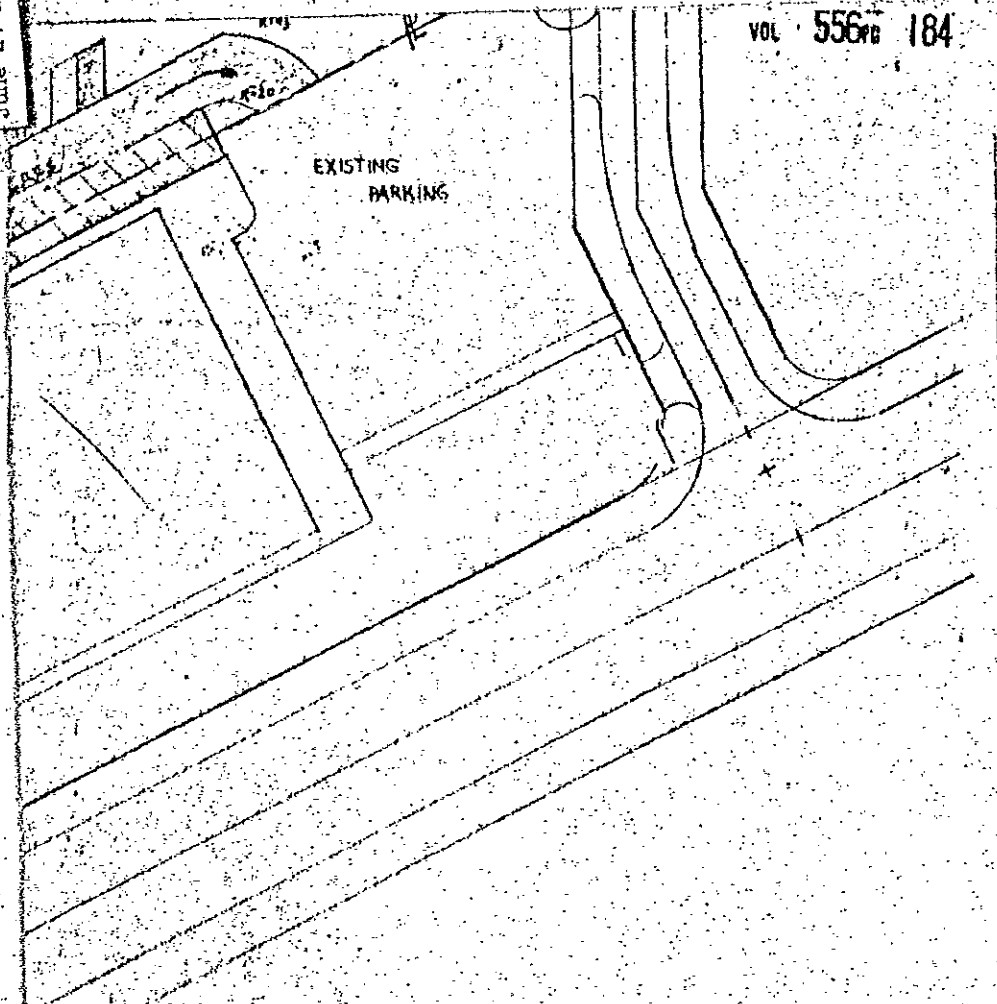
Effective:

\_\_\_\_\_  
Mayor

784499 9-41

June 24 1982

VOL 556 184



CITY OF EUCLID

ANTHONY GIUNTA: MAYOR

PROPOSED ADDITIONAL PARKING  
FOR 88 CARS ON CITY OF EUCLID  
PROPERTY AT EUCLID AVE &  
EAST 228

STANLEY L. CESEN CITY ENGINEER

DATE: 3/5/82 SCALE: 1" = 50' DRAWN BY: H. GULICH



3

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24 CARS

GUARD RAIL TO RUN ON NORTHERLY SIDE

TOP OF BANK

EXISTING PARKING

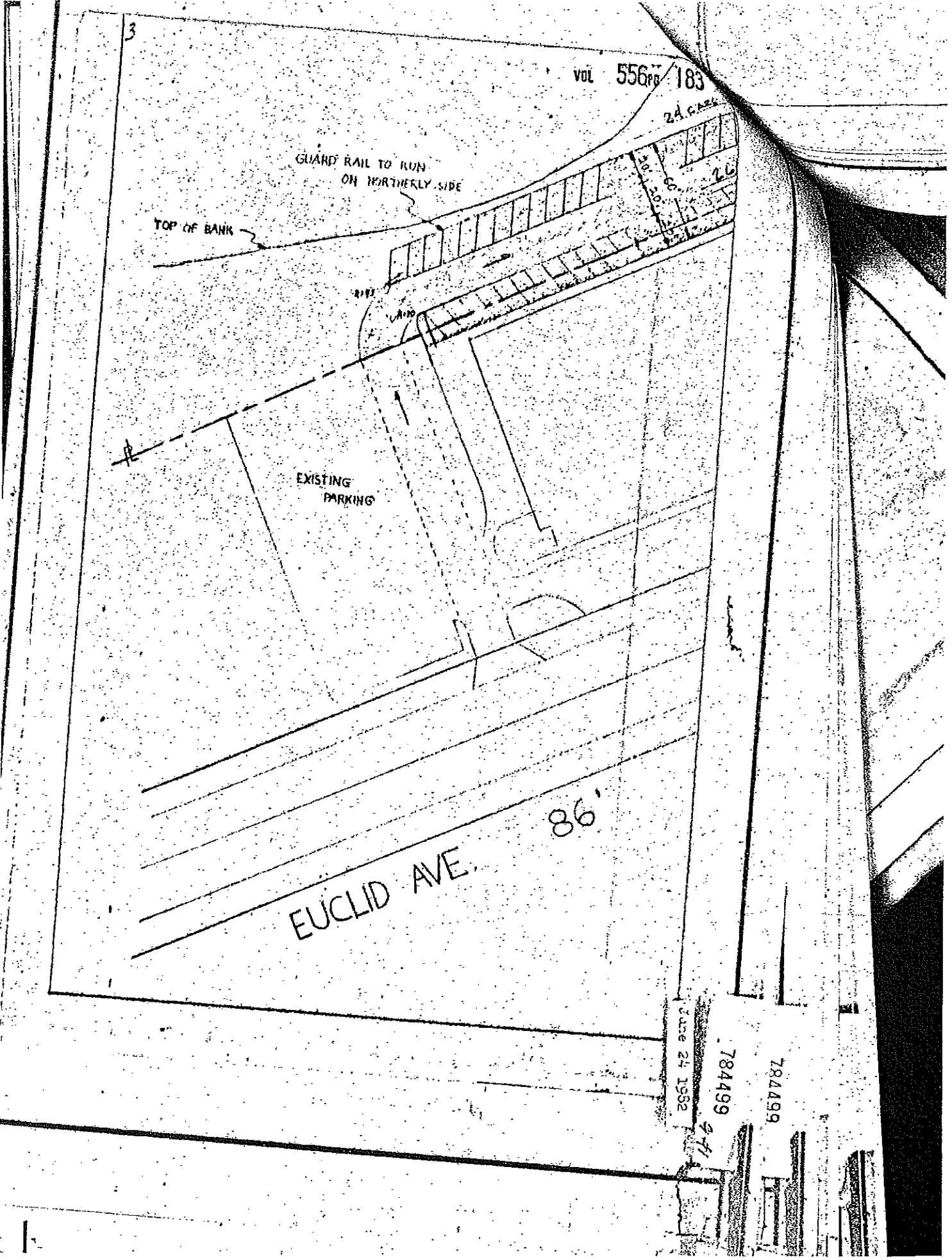
EUCLID AVE. 86'

June 24 1982

784499

784499

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Ordinance No.

By – Mayor Cervenik

An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with US Bancorp Government Leasing and Finance, Inc., to allow for the financing of Police and Fire vehicles approved as part of the 2013 capital budget.

WHEREAS, in Ordinance 51-2013, the Council authorized the purchase of 3 Ford Police Interceptor utility vehicles and 1 Ford Police Interceptor sedan from Statewide Ford; and

WHEREAS, in Ordinance 81-2013, the Council authorized the purchase of a 2013 Braun Ford E450 Chief XL ambulance from Penn Care; and

WHEREAS, The Director of Finance has determined that leasing is advantageous for the City and solicited proposals from 3 financial institutions and determined that the proposal from US Bancorp Government Leasing and Finance, Inc., was the best proposal for the City; and

WHEREAS, the agreement with US Bancorp Government Leasing and Finance, Inc., will require the City to make 4 payments of \$74,462.24 each over a period of 38 months with a closing date of December 1, 2013; and

WHEREAS, The City of Euclid will fund the payments from the General Permanent Improvement Fund.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Finance is hereby authorized to enter into an agreement with US Bancorp Government Leasing and Finance, Inc., for the financing of Police and Fire vehicles listed in Ordinances 51-2013 and 81-2013 upon the terms and conditions contained in the proposal attached hereto and in form as approved by the Director of Law.

Section 2: That the funds necessary for this expenditure are to be derived from the General Permanent Improvement Fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor



All of **us** serving you®

Government Leasing and Finance

October 30, 2013

City of Euclid, OH

At your request, U.S. Bancorp Government Leasing and Finance, Inc. ("USBGLF") has prepared for your consideration the following proposal for financing ("Proposal"). **This is only a proposal and does not represent a commitment by U.S. Bancorp Government Leasing and Finance, Inc.**

<b>Customer:</b>	City of Euclid						
<b>Lessor:</b>	U.S. Bancorp Government Leasing and Finance, Inc.						
<b>PROPERTY:</b>	Police Cars (4) Ambulance (1)						
<b>EXPIRATION:</b>	December 28, 2013						
<b>LEASE QUOTE:</b>	<b>Amount</b>	<b>Rate</b>	<b>Payments</b>	<b>Factor</b>	<b>Pmts / Year</b>	<b>Term</b>	<b>Adv. / Arr.</b>
	292,000.00	1.196%	74,462.34	0.2550080*	1	38 Months	**
	292,000.00	1.520%	75,794.92	0.2595717*	1	48 Months	Arrears***

\*Assumes 12/1/13 Closing Date

\*\*4 annual payments beginning 02/1/14

\*\*\*4 annual payments beginning 12/1/14

Notes: Funds will be deposited into a no fee U.S. Bank N.A. escrow account at closing. We expect to use standard documentation and no external counsel. Prepayment is permitted on any payment date at 103% of outstanding balance.

The Lease will be structured as a tax-exempt municipal lease, with title in the Lessee's name and USBGLF holding a security interest in the equipment during the term. The lease is "triple-net" with the Lessee responsible for taxes, maintenance and insurance. Documentation will be provided by USBGLF, including (i) standard representations, warranties and covenants by the Lessee pertaining to the accuracy of information, organization, authority, essential use, compliance with laws, pending legal action, location and use of collateral, insurance, financial reporting and financial covenants; and (ii) standard USBGLF provisions pertaining to events of default and remedies available upon default. This offer is subject to the execution of all documentation by the Lessee within a reasonable time and in form and substance acceptable to Lessee, USBGLF and USBGLF's counsel, including terms and conditions not outlined in this Proposal.

This Proposal is conditioned on there being no material adverse change in the financial condition of the Lessee. Additionally, the terms and conditions outlined herein are subject to final review and approval (including collateral and essential use review) by USBGLF's business, legal, credit, and equipment risk management personnel. If you would like to proceed, please complete the Essential Use Application and return along with a link to your 3 most recent Comprehensive Annual Financial Reports.

Thank you for the opportunity to present this proposal. Other financing options are available on request.

Sincerely,

*Denise Beauchamp*

Denise Beauchamp  
Vice President  
Direct (904) 284-3520  
denise.beauchamp@usbank.com